

Board on Aging and Long Term Care  
Attorney – Management [Counsel to the Board]  
Direct Supervisor: Executive Director

Position Summary:

Under the supervision of the Executive Director, the Counsel to the Board on Aging and Long-Term Care is responsible for providing general legal advice to the Board and the Executive Director. The Counsel ensures that agency programs are in compliance with state and federal statutes and federal rules. The Counsel provides legal advice and opinions regarding proposed or recently effective legislation, policies and procedures related to long-term care for the elderly and disabled, and related to Medicare beneficiaries and consumers of other insurance products which supplement Medicare. The legal and factual issues involved are frequently complex and interpretation of decisions requires detailed knowledge of state and federal laws and rules relevant to the agency's programs and of current long term care industry best practices. The Counsel will monitor legislative developments and initiatives and advise the Executive Director and Board concerning issues of significance. The Counsel will formulate and draft proposals for legislation and rule changes relating to the mission of the agency. The Counsel will interpret and explain the impact of proposed and enacted state and federal laws and regulations on agency programs. The Counsel will draft testimony for presentation to legislative and administrative forums addressing issues of concern to the agency and the public. The Counsel will instruct staff on long-term care policy issues and draft, amend and maintain the agency policy and procedure manual with input from agency management and staff. The Counsel to the Board acts as the Affirmative Action officer for the agency.

This position also acts in the official capacity of the Executive Director in situations where the Executive Director is unavailable to act as the State Long Term Care Ombudsman under 45 CFR 1324, to make decisions relating to agency activities or to approve, disapprove or defer approval of proposals, documents, policies, or other decisions affecting the operation of the Board on Aging and Long Term Care.

Goals and Worker Activities+

Time %

- 60%    A.    Provides legal consultation to the Board, the Executive Director and Agency Staff.
- A1.    Provide formal and informal legal opinions to the Board and the Executive Director regarding implementation of and compliance with any and all newly enacted or implemented state laws, rules, regulations, policies and procedures related to long-term care for the elderly and disabled.
- A2    Interpret, for the Board, the Executive Director and agency staff, existing state and federal laws relative to long-term care.
- A3.    Provide legal interpretations, advice and counsel to staff who investigate

complaints concerning improper conditions or treatment of elderly and disabled persons who receive long-term care.

- A4. Provide legal interpretations, advice and counsel to staff who investigate complaints on non-compliance with or improper administration of federal or state laws or rules related to long-term care.
- A5. Provide legal interpretations, advice and counsel to Medigap counselors relative to eligibility requirements of various health insurance policies, including but not limited to long-term care insurance, Medicare supplemental insurance and related health care financing issues.
- A6. Provide legal interpretations, advice and counsel to Medigap counselors concerning referral of cases and issues to the Office of the Commissioner of Insurance.
- A7. Draft testimony for the Executive Director, members of the Board, or staff to present to Legislative or Administrative forums.
- A8. Analyze and interpret changes in state and federal law, policies and procedures related to long-term care which are primarily directed to the actions of other agencies.
- A9. Review and analyze changes in state and federal laws related to long-term care proposed by other agencies organizations or entities for legal implications.
- A10. Formulate, determine and implement policies and procedures with input from the Executive Director, supervisory and subordinate staff.
- A11. Identify issues on which a formal opinion should be requested of the Attorney General. Draft opinion requests. Monitor the opinion process within the Department of Justice (DOJ) to ensure the Board's position is fully understood and addressed. Respond to inquiries from DOJ. Interpret any final opinion for Executive Director, the Board, and staff.
- A12. Act as the agency's public records custodian and assure compliance with Wisconsin's Open Records and Open Meetings laws.
- A13. Act as the agency's Affirmative Action officer making full use of available resources including, but not limited to the Department of Administration's Wisc.jobs website.
- A14. Coordinate, draft and/or edit all press releases issuing from the Board on Aging and Long Term Care.
- A15. Coordinate the process for obtaining, assessing the results of and

cataloguing criminal records checks on employees and volunteers serving the agency.

- 15%    B.    Develops legislation, administrative rules and proposed changes to statutes necessary to implement agency programs.
- B1.    Identify developing problem areas, trends, patterns and issues and anticipate developments in the law which will impact on the Board and/or long-term care consumers.
  - B2.    Review and research, on a continuing basis, the specific need for new or amendments to laws, administrative rules and regulations. Draft, review and recommend implementation of such new or amended rules and/or legislation to the Executive Director and the Board.
  - B3.    Present the agency position on issues of importance to the agency and to the agency's constituency to individual legislators, legislative study committees, and task forces.
  - B4.    Present the agency position on pending state and federal legislation regarding long-term care to individual legislators, legislative study committees, and task forces.
  - B5.    Consult with and provide technical legal assistance to other state agencies relative to drafting laws, rules and regulations affecting long-term care.
- 10%    C.    Provides assistance to the Board and the Executive Director in completing required administrative functions.
- C1.    Assist agency administrative staff in development and presentation of the Agency's biennial (annual) report to the Governor and the Legislature.
  - C2.    Assist the Executive Director with preparation and presentation of the Agency's biennial budget documents.
  - C3.    Review and assist in negotiation of all Agency contract documents including, but not limited to, lease documents and data management contracts.
  - C4.    Function as the Records Management Officer for the agency to assure compliance with state required maintenance, disclosure and destruction requirements.
  - C5.    Assist the Executive Director in negotiation, establishment and compliance with Memoranda of Understanding (or Agreement) with various other entities.
  - C6.    Maintain currency with required data entry into the Agency's records-keeping systems.

- 5% D. Provides legal representation for the Board, the Executive Director and staff of the agency.
- D1. Support and educate staff ombudsmen who are scheduled to appear before Administrative Law Judges. Provide in-person appearance and advocacy as necessary and appropriate. Support and educate staff summoned to appear for depositions or circuit court proceedings. Accompany as necessary and appropriate.
  - D 2. Serve as liaison with the Attorney General's Office in preparation and litigation of court cases at both the trial and appellate level.
  - D 3. Prepare legal arguments for presentation to the Attorney General to establish reason for cause of legal action by the Department of Justice.
  - D 4. At the direction of the Executive Director, draft and submit briefs *amicus curiae* to appellate courts on issues of significance to the agency and to its constituents.
- 5% E. Develops long-term care policy issues.
- E 1. In consultation with the Executive Director and appropriate supervisory staff, draft and propose policies to assist other state agencies seeking to improve the long-term care system.
  - E 2. Review, monitor and analyze legislative changes, policies and procedures related to long-term care and make such information available to Ombudsmen, Medigap Counselors and regional elderly legal services programs.
- 5% F. Participates with the broader legal community to address legal issues of long-term care consumers.
- F 1. Maintain membership in the State Bar of Wisconsin and attend the requisite CLE programs necessary to retain good standing. Focus of CLE attendance should reflect issues and concepts significant to the position, including but not limited to: Health, Elder, Government, Open Records, Employment, Business, and Insurance Law topics.
  - F 2. Inform the legal community and the public of the agency's authority, mission, and focus from a legal perspective.

### **Knowledge, Skills and Abilities**

1. Excellent written and oral communication skills, including the ability to adjust communications styles to meet the needs of the intended audience
2. Knowledge of the process and theory of long term care delivery to the elderly and disabled in Wisconsin.
3. Knowledge of the legal basis for regulation of residential long term care providers in Wisconsin, and the statutory basis for Wisconsin's home and community-based system for delivery of long term care.
4. Knowledge of statutes and regulatory basis for Medicare and its component parts, including an understanding of the relationship between Medicare Part A insurance delivered by government and the associated parts of Medicare which are delivered by the private sector.
5. Computer skills to include documentation and data entry, including Mediware® data collection and reporting systems and Oracle® STAR.
6. Ability to work independently and prioritize work effectively.
7. Ability to analyze issues and derive a solution to problems presented in the course of performing the duties of this position.
8. Ability to work as a productive member of a team, whether in a leadership or subordinate position.

### **Special Requirements**

- Must possess a license to practice law in the State of Wisconsin
- A valid driver's license that meets the state's risk management standards, or ability to obtain one's own reliable transportation, is required